

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
EUGENE DIVISION

UNITED STATES OF AMERICA,

Case No. 6:18-cr-00164-AA  
**OPINION & ORDER**

v.

SHERRY HARPER

Defendant.

---

AIKEN, District Judge.

Defendant Sherry Harper, an inmate currently housed at FCI Dublin, has filed three *pro se* motions before the Court: 1.) a Motion to Stay Accrual of Interest on Court Ordered Restitution (doc. 52); 2.) a Motion to Defer Payments (doc. 53); and 3.) a Motion for Emergency Hearing For A Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2243 (doc. 54).

Defendant was charged by superseding information and pleaded guilty to one count of Conspiracy to Possess with Intent to Distribute Methamphetamine in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(B)(viii), and 846. (doc. 21) The Court

sentenced defendant on March 5, 2019, to a 60 month term of imprisonment pursuant to a negotiated plea agreement. (doc. 50) The Court imposed no restitution. The Court did impose the statutorily mandated \$100 fee pursuant to 18 U.S.C. § 3013. Defendant now argues that the Court should stay accrual of interest on this fine and order payments deferred until her release from custody.

Regarding her motion to stay interest, the special assessment fee of \$100 dollars will not accrue interest while defendant is in custody. *See* 18. U.S.C. § 3162 (“The defendant shall pay interest on any fine or restitution of more than \$2,500 . . .”) Therefore, the motion is denied. Regarding defendant’s motion to defer payments, the District Clerk’s Office reports that the fee has been paid in full. Therefore, the motion to defer payment must be denied as moot. Defendant’s motion for a hearing for a writ under 28 U.S.C. § 2243 is also denied as she is not entitled to relief.

IT IS SO ORDERED.

Dated this 10th day of April 2020.

/s/Ann Aiken  
ANN AIKEN  
United States District Judge